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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,968	10/14/2003	Dai Kamiya	9683/160	9952

79510   7590   06/12/2008
NTT Mobile Communications Network I/BHGL
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EXAMINER
KIM, JUNG W

ART UNIT	PAPER NUMBER
2132	

MAIL DATE	DELIVERY MODE
06/12/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _05 March 2008_.
2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _7-14_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _7-14_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This Office action is responsive the RCE filed on 3/5/08.

2.   Claims 7-14 are pending.

Continued Examination Under 37 CFR 1.114

3.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/5/08

has been entered.

Response to Amendment

4.   The 112/2nd paragraph rejection of claims 7-14 are withdrawn as the

amendment overcomes the 112/2nd paragraph rejections.

Double Patenting

5.   The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees.   A nonstatutory
obviousness-type double patenting rejection is appropriate where the conflicting claims
are not identical, but at least one examined application claim is not patentably distinct
from the reference claim(s) because the examined application claim is either anticipated
by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140

F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29
USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.
1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422
F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163
USPQ 644 (CCPA 1969).

 A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d)
may be used to overcome an actual or provisional rejection based on a nonstatutory
double patenting ground provided the conflicting application or patent either is shown to
be commonly owned with this application, or claims an invention made as a result of
activities undertaken within the scope of a joint research agreement.

 Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with
37 CFR 3.73(b).

6. Claims 7-14 are provisionally rejected on the ground of nonstatutory

obviousness-type double patenting as being unpatentable over claims 1-13 of

copending Application No. 10514685. Although the conflicting claims are not identical,

they are not patentably distinct from each other because all features of claim 7-14 are

disclosed in claims 1-13 of copending Application No. 10514685.

 This is a <u>provisional</u> obviousness-type double patenting rejection because the

conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 7-9 and 11-14 are rejected under 35 U.S.C. 103(a) as being anticipated

by Jguru "Introduction to CORBA" (hereinafter Jguru) in view of Lermuzeaux et al. US

5,848,232 (hereinafter Lermuzeaux).

9.   As per claim 7, Jguru discloses a data processing device comprising:

        a.   A memory that stores one or more data sets and programs including one

        or more application programs (JVM); and

        b.   A processor that executes the programs to function as:

                i.   An object generator that generates an object containing one or

                more procedures of operation using at least one of the one or more data

                sets, the one or more procedures being called and executed by the

                processor in accordance with an application program stored in the

                memory; (JVM operation program that instantiates StockLmpl)

                ii.   An object generation manager that allows the object generator to

                generate, in accordance with one application program among the one or

                more application programs, an imperfect encapsulated object that is an

                object containing procedures of operation making a specific data set

                among the one or more data sets accessible by the processor running any

                one of the one or more application programs. (pg. 14, "Providing an

                Implementation" section, paragraph 3, "StockImpl" is an imperfect

                encapsulated object)

10.   Jguru does not disclose the processor functions as a data access manager that

prohibits any access to the one or more data sets by the processor running the

application program stored in the memory without calling and executing a procedure

contained in an object generated by the object generator, and the object generation

manager allows the object generator to generate the imperfect encapsulated object only

when the one application meets a predetermined requirement. Lermuzeaux discloses a

method of making secure collaboration between objects of an object-oriented program,

wherein data processing procedures of a server object are assigned sensitivity levels

and data processing procedures of client objects are assigned authorization levels (col.

1:39-47); wherein a client object requesting access to a server object submits the client

object's authorization level as a parameter to the server method (4:1-33); wherein a

client object only has access to a server object data processing procedure when the

authorization level is sufficient to the assigned sensitive level of the server object

procedure (1:53-56). It would be obvious to one of ordinary skill in the art at the time

the invention was made for the data access manager to prohibit any access to the one

or more data sets by the processor running the application program stored in the

memory without calling and executing a procedure contained in an object generated by

the object generator, and the object generation manager that allows the object

generator to generate the imperfect encapsulated object only when the one application

meets a predetermined requirement. One would be motivated to do so to prevent

uncontrolled collaboration between two processing procedures to preserve integrity of

data. Col. 1:20-32. The aforementioned cover the limitations of claim 7.

11.   As per claim 8, the rejection of claim 7 under 35 USC 103(a) as being

unpatentable over Jguru in view of Lermuzeaux is incorporated herein. In addition,

Lermuzeaux discloses wherein the memory stores reliability information indicating

degree of reliability of each of the one or more application programs, and wherein the

object generation manager allows the object generator to generate an imperfect

encapsulated object on the reliability information stored in the memory. (col. 1:39)

12.   As per claim 9, the rejection of claim 7 under 35 USC 103(a) as being

unpatentable over Jguru in view of Lermuzeaux is incorporated herein. In addition,

Lermuzeaux discloses a communication interface that receives from a server reliability

information indicating degree of reliability of each of the one or more application

programs; and wherein the object generation manager allows the object generator to

generate an imperfect encapsulated object on the reliability information received by the

communication interface. (col. 6:18-49)

13.   As per claim 11, the rejection of claim 7 under 35 USC 103(a) as being

unpatentable over Jguru in view of Lermuzeaux is incorporated herein. In addition,

Lermuzeaux discloses wherein the object generation manager allows the object

generator to generate the imperfect encapsulated object only when importance of the

specific data set meets a predetermined requirement. (col. 6:18-49)

14.   As per claim 12, the rejection of claim 7 under 35 USC 103(a) as being

unpatentable over Jguru in view of Lermuzeaux is incorporated herein. In addition,

Lermuzeaux discloses wherein the data access manager does not prohibit access to

the one or more data sets by the processor without calling and executing a method

contained in an object generated by the object generator when the processor runs an

application program that is preinstalled in the memory; (once permission is provided,

client API has access to the object)

15.   As per claim 13, the rejection of claim 7 under 35 USC 103(a) as being

unpatentable over Jguru in view of Lermuzeaux is incorporated herein. In addition,

Lermuzeaux discloses wherein the data access manager allows the processor to

access only data sets that are stored in a memory area allotted to the one application

program or in a memory area allotted to all of the one or more application programs,

when the processor runs the one application; (executables must be in memory

accessible by the application program)

16.   As per claim 14, the rejection of claim 7 under 35 USC 103(a) as being

unpatentable over Jguru in view of Lermuzeaux is incorporated herein. In addition,

Jguru discloses wherein at least one of the one or more application programs is

described as a set of intermediate codes required to be converted into executable

codes before execution, and wherein the processor that executes the programs stored

in the memory to further function as a converter that converts an application program

described as a set of intermediate codes into executable codes. (JAVA objects are

complied source class files)

Communications Inquiry

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jung W. Kim whose telephone number is 571-272-3804.

The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/Jung Kim/
Primary Examiner   AU 2132